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October 14, 2005

The Federal Election Commission  
999 E. Street, N.W.  
Washington, DC 20463

Via Facsimile and  
First Class Mail

Attn: Jeff S. Jordan, Supervisory Attorney  
Complaints Examination & Legal Administration

Re: MUR 5681

Dear Mr. Jordan:

This letter is in response to your letter dated September 29, 2005 and received October 1, 2005, addressed to Larry Merrill, President of the High Point Regional Association of Realtors®, Inc. (HPRAR) and Realtors® Political Action Committee (RPAC). My client earlier faxed you a statement of designation of counsel which designates the undersigned as counsel to HPRAR. I understand that a separate designation has been provided to you for Ralph W. Holmen, Associate General Counsel of the National Association of Realtors® to act as counsel to RPAC in this matter.

I have been provided with a copy of the response from Ralph W. Holmen dated October 14, 2005. Much of my response will incorporate portion of Mr. Holmen's response which is done with his permission.

The complaint addresses certain conduct by HPRAR. HPRAR is a local association of Realtors® affiliated with the National Association of Realtors® (NAR). As best I can ascertain from the complaint enclosed along with your letter, the complainant correctly states that members of HPRAR are not required to make contributions to RPAC. Further, the complaint states that all contributions are "supposedly" voluntary. I assume that the violation being asserted against HPRAR is based upon the fact that members of HPRAR who have not contributed to RPAC are

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listed in a monthly newsletter which is sent to members of HPRAR. The complainant states that he has been advised that the publication of names of members who have not contributed to RPAC would constitute a violation of the Federal Election Commission Regulations and/or Federal Election Campaign laws.

It is not a violation of the Federal Election Campaign Act ("Act") for HPRAR and/or RPAC to publish in its member newsletter the names of those members who had not contributed to RPAC. It should be noted that the newsletter provides information relating to 100% contributing companies, percentage of members of the Realtors® Commercial Alliance that have contributed and the percentage of non-RCA members who have contributed. Included in the list of members who have not contributed is the percentage of agents who have contributed. Taken as a whole, the newsletter provides information on participation of the overall membership in RPAC. HPRAR may solicit its members to make contributions to RPAC in accordance with Section 114.8(g) of the FEC Regulations. More specifically, FEC Advisory Opinion 1995-17 expressly confirms that solicitations of contributions to RPAC may be directed to members of state and local "Member Boards" (Realtor® associations), and that such solicitations may be made by NAR or its affiliated state and local associations.

It is my understanding that certain provisions of the Act and Regulations prohibit securing or soliciting contributions to RPAC by actual or threatened "force, job discrimination or financial reprisals" or other coercive methods. The complaint does not allege, and there was no, improper coercion applied to the individuals listed in the publication as having not made a contribution to RPAC, and thus neither HPRAR nor RPAC have violated the Act in such respects.

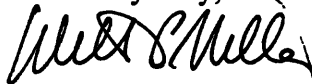
I would also point out the other provisions and arguments set forth in the response of Mr. Holmen on behalf of RPAC. If further review of the facts or law applicable to the complaint is necessary in response to your letter, please advise me accordingly and we will supplement this response.

Based upon the foregoing, I respectfully request on behalf of the HPRAR and RPAC that the commission and commission staff take no action against HPRAR and/or RPAC in response to this complaint, and that it be dismissed without further action. I would welcome the opportunity to discuss with you the information set forth above, or to provide any other information or material which will assist you to conclude that a dismissal is appropriate. Please feel free to contact me at your convenience at 336.889.8733.

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Yours very truly,



William P. Miller  
Counsel to High Point Regional Association  
of Realtors®, Inc.

WPM/ssw

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